UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Luis JIMENEZ-Lopez,** Defendant	Magistrate Docket No. '08 MJ 1958 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 24, 2008** within the Southern District of California, defendant, **Jose Luis JIMENEZ-Lopez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **JUNE, 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CTN

CONTINUATION OF COMPLAINT:
Jose Luis JIMENEZ-Lopez

PROBABLE CAUSE STATEMENT

On June 24, 2008, Border Patrol Agent Joel A. Nesbit, was performing line-watch duties in an area known as "Brittania." This area is approximately three miles east of the San Ysidro Port of Entry and approximately fifty yards north of the United States/Mexico International Boundary.

At approximately 11:00 P.M., Agent Nesbit was notified by a Remote Video Surveillance System (RVSS) operator of one individual running south from the secondary fence to the primary with a ladder in hand. RVSS then noticed six individuals running west along the north side of the secondary fence. Agent Nesbit responded to an area just north of the secondary fence and observed the six individuals. Agent Nesbit identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All six individuals including one later identified as the defendant **Jose Luis JIMENEZ-Lopez**, admitted to being citizens and nationals of Mexico without any immigration documents enabling them to enter or remain in the United States legally. All six were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 14, 2008** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.